

REMARKS

In the Office Action mailed June 7, 2006, the Examiner provisionally rejected claims 1-20 and 35 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 60 and 85-97 of copending Application No. 10/771,415, and claims 1 and 44-63 of copending Application No. 10/775,993; rejected claim 18 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-6, 12, and 14-17 under 35 U.S.C. § 102(b) as being anticipated by WO 01/08722 (U.S. Patent No. 6,630,068) to Vinci¹; rejected claims 7-11, 13, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Vinci, and further in view of GB 2 067 075 ("GB '075"); and rejected claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Vinci, and further in view of EP 0 611 227.

Claims 1-37 are pending in this application. By this Reply, claims 1, 6, 8-12, 14, 16-20, and 35 have been amended to more clearly recite Applicants' invention, claims 2 and 3 have been canceled, and claim 38 has been added, also to more clearly recite Applicants' invention.

At the outset, Applicants note that new claim 38 corresponds to original claim 10 independent form, and recites, among other things, a "support element for an integrated module for blood treatment, comprising...[an] annular seating exhibiting a bottom delimited by said connecting wall, a radial dimension which increases progressively in a direction moving away from said bottom wall, a first zone, adjacent to said bottom wall and having a constant radial dimension, a second zone, distal to said bottom wall and having a constant radial dimension which is greater than the radial dimension of the first

¹ For convenience, Vinci is discussed below with reference to U.S. Patent No. 6,630,068.

zone; and a third zone, which is a transition zone between the first zone and the second zone and has a progressively increasing dimension in a distancing direction from said bottom wall."

As noted above, the Examiner also rejected claims 1-20 and 35 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 60 and 85-97 of copending Application No. 10/771,415, and claims 1 and 44-63 of copending Application No. 10/775,993. Applicants respectfully disagree with the assertions made by the Examiner in formulating the provisional obviousness-type double patenting rejections set forth at page 3 of the Office Action. In order to expedite prosecution of this application, however, Applicants submit herewith a Terminal Disclaimer to obviate the provisional double patenting rejections based on Application Nos. 10/771,415 and 10/775,993. The filing of the Terminal Disclaimer in no way manifests an admission by Applicant as to the propriety of the double patenting rejections. See M.P.E.P. § 804.02 citing Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicant reserves the right to traverse the provisional double patenting rejections at a later date. Applicant respectfully requests the withdrawal of the double-patenting rejection in view of the Terminal Disclaimer attached hereto.

The Examiner also rejected claim 18 under 35 U.S.C. § 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." (Office Action at 4.) Applicants respectfully submit that the Examiner's rejection under § 112, second paragraph, is

moot in light of the amendment to claim 18. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the Examiner's rejection of claims 1-6, 12, and 14-17 under 35 U.S.C. § 102(b) as being anticipated by Vinci. Vinci fails to teach each and every limitation of claim 1. The Examiner asserts that Vinci teaches "a support element having a base body and four connectors directly constrained to the body as claimed - see the figures, abstract and column 2, lines 50-56...the reference teaches the connectors as being attached to the body to form a single piece (connectors and the body form one unit as disclosed by the applicant in the specification and drawings with the body." (Office Action at 4-5.)

The cited portions of Vinci, however, disclose connecting elements 28-31, of which connecting element 29 "is integral with wall 38." (Col. 3, line 12.) Connector element 28, on the other hand, is "joined in a *releasable manner* to wall 38" (emphasis added). (Col. 2, lines 66-67.) Remaining connecting elements 30 and 31 "are identical to connecting element 28" (col. 2, lines 62-63), and thus are also presumably joined to wall 38 in a releasable manner. Accordingly, since *only* connecting element 29 is integral with wall 38, none of the other remaining connecting elements 28, 30 and 31 form a single piece with connecting element 29 and wall 38. Vinci, therefore, at least fails to teach "at least first *and second connectors* and the base body are constructed as a single piece" (emphasis added), as recited in amended claim 1. Thus, Vinci fails to teach every element of claim 1.

In view of the above-noted deficiencies of Vinci, claim 1 is allowable over the applied reference. Moreover, claims 2-6, 12, and 14-17 are allowable at least due to their dependence from allowable claim 1.

Applicants respectfully traverse the Examiner's rejection of claims 7-11, 13, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Vinci, and further in view of GB '075. The Examiner contends that GB '075 teaches a "luer connector, [which] is known in the art and commonly used." (Office Action at 6.) GB '075 does not teach, however, "said at least first and second connectors being constrained to the base body, wherein said at least first and second connectors and the base body are constructed as a single piece" (emphasis added), as recited in amended claim 1. Thus, GB '075 fails to overcome the above-mentioned deficiencies of Vinci. Accordingly, claims 7-11 and 13 are allowable at least due to their dependence from amended claim 1. Amended claim 35, while of different scope, recites features similar to those recited in amended claim 1. Amended claim 35, therefore is allowable over Vinci and GB '075 at least for the reasons discussed above in regard to amended claim 1.

Applicants respectfully traverse the Examiner's rejection of claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Vinci, and further in view of EP 0 611 227. The Examiner contends that "EP teaches the perimeter wall, the circuitry etc attached to the perimeter wall and the back side of the frontal wall, and the cover (see figures 1-7). Even if such alleged teachings are present in EP '227, however, the reference would still fail to teach "said at least first and second connectors being constrained to the base body, wherein said at least first and second connectors and the base body are constructed as a single piece" (emphasis added), as recited in amended

claim 1. Thus, EP '227 fails to overcome the shortcomings of Vinci discussed above. Accordingly, claims 18-20 are allowable at least due to their dependence from amended claim 1.

Applicants further respectfully submit that new claim 38 is allowable over the applied references. Claim 38 recites features similar to those recited in claim 1 and is thus allowable over the applied references at least for the reasons discussed above. Moreover, the applied references at least fail to teach a support element having an "annular seating exhibiting a bottom delimited by said connecting wall, a radial dimension which increases progressively in a direction moving away from said bottom wall, a first zone, adjacent to said bottom wall and having a constant radial dimension, a second zone, distal to said bottom wall and having a constant radial dimension which is greater than the radial dimension of the first zone; and a third zone, which is a transition zone between the first zone and the second zone and has a progressively increasing dimension in a distancing direction from said bottom wall" (emphasis added), as further recited in new claim 38. Accordingly, new claim 38 is allowable for at least this additional reason.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

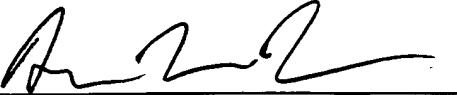
Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 7, 2006

By:


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Attachments:

- 1) A Terminal Disclaimer.